

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SINGULAR COMPUTING LLC,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

C.A. No. 1:19-cv-12551-FDS

Hon. F. Dennis Saylor IV

**DEFENDANT GOOGLE LLC'S
UNOPPOSED MOTION TO IMPOUND/SEAL DESIGNATED MATERIAL**

Pursuant to Local Rule 7.2 and the Protective Order in this case (“Protective Order”), (Dkt. No. 87), Defendant Google LLC (“Google”) respectfully requests that this Court impound (seal) the following materials filed in support of Google’s Sur-Reply to Singular’s Motion to Compel Deposition and Document Discovery filed today:

1. An un-redacted copy of Google’s Sur-Reply to Singular’s Motion to Compel Deposition and Document Discovery.

2. Certain exhibits to the Declaration of Deeva Shah (“Shah Declaration”) that accompanies Google’s Sur-Reply to Singular’s Motion to Compel Deposition and Document Discovery. The following exhibits to the Shah Declaration contain information that Google has designated as containing “Highly Confidential – Attorneys’ Eyes Only” information.

- **Exhibit A:** Correspondence dated January 13, 2021, from counsel for Singular to counsel for Google
- **Exhibit B:** Correspondence dated April 6, 2021, from counsel for Singular to counsel for Google.

- **Exhibit C:** Correspondence dated May 7, 2021, from counsel for Google to counsel for Singular.
- **Exhibits D to S:** confidential e-mails sent to or from Mr. Joseph Bates.
- **Exhibit T:** Correspondence dated August 28, 2023, from counsel for Google to counsel for Singular.

The Protective Order allows a party producing documents in discovery to designate documents as “Confidential” after making a good-faith determination that the documents contain information that is “confidential, proprietary, and/or commercially sensitive information,” and to designate documents as “Highly Confidential – Attorneys’ Eyes Only” after making a good-faith determination that the documents contain information that is extremely confidential and/or sensitive in nature and the disclosure of such documents is likely to cause economic harm or significant competitive disadvantage. Protective Order ¶¶ 6-7. That Order requires that a party intending to make court filings referring to such Protected Material bring a motion to impound. *Id.* ¶ 14.

Google’s above-identified Sur-Reply and exhibits contain confidential information designated Highly Confidential – Attorneys’ Eyes Only under the Protective Order that is extremely confidential and/or sensitive in nature and the disclosure of such documents is likely to cause Google economic harm or significant competitive disadvantage.

Submission of the above-identified exhibits is necessary to permit the Court to fully evaluate the issues raised in Google’s sur-reply. Google therefore brings this Motion to Impound to seal the above-identified exhibits. Additionally, Google has filed a redacted version of its Sur-Reply and certain of the above-identified exhibits, which redacts the Google confidential information discussed above, public disclosure of which would risk competitive harm to Google.

For the foregoing reasons, Google respectfully requests that the Court permit it to file the above-identified unredacted Sur-Reply and exhibits under seal. Google further requests that the documents remain impounded until further order by the Court, and that upon expiration of the impoundment that the documents be returned to Google's counsel.

Respectfully submitted,

Dated: August 28, 2023

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LOCAL RULE 7.1(a)(2) CERTIFICATION

Pursuant to Local Rule 7.1(a)(2), I certify that, on August 28, 2023, counsel for Defendant Google LLC and counsel for Plaintiff Singular Computing LLC met and conferred in good faith regarding resolution of this motion. Counsel for Plaintiff stated that it does not oppose the relief requested in this motion.

/s/ Nathan R. Speed

Nathan R. Speed

CERTIFICATE OF SERVICE

I certify that this document is being filed through the Court's electronic filing system, which serves counsel for other parties who are registered participants as identified on the Notice of Electronic Filing (NEF). Any counsel for other parties who are not registered participants are being served by first class mail on the date of electronic filing.

/s/ Nathan R. Speed

Nathan R. Speed